

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JUNE 28, 2011

AMENDED IN SENATE JUNE 13, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 684

Introduced by Assembly Member Block

February 17, 2011

An act to add Sections 72036 and 72036.5 to the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 684, as amended, Block. Community college districts: trustee elections.

(1) Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. The board of governors provides general supervision over each community college district and performs specified functions. Each community college district is under the control of a board of trustees.

Existing law provides various procedures for the nomination and election of the governing boards of community college districts. Existing law specifies the number of members on the board, residency requirements, length of terms, and the drawing of trustee boundaries.

This bill would authorize the governing board of a community college district to change election systems, as specified, in accordance with the provisions of this bill and the California Voting Rights Act of 2001, subject to approval by the Board of Governors of the California Community Colleges. The bill would authorize the governing board of a community college district to establish elections by trustee areas. In establishing trustee areas, the territory of a district would be divided into trustee areas, and one member of the governing board would be elected from each trustee area. A candidate for election as a member of the governing board would be required to reside in, and be registered to vote in, the trustee area he or she seeks to represent. The governing board would be authorized to set the initial boundaries of each trustee area to reflect the population enumerated in the most recent decennial federal census. Thereafter, the boundaries of trustee areas would be adjusted, abolished, or rearranged as specified. This bill would authorize the governing board of a community college district to determine the number of trustees, and would require the governing board to be composed of 5 to 9 members. The board would be authorized to establish, abolish, or adjust trustee areas and terms of office, as specified. The bill would specify that the act would not apply to any community college district that is authorized by statute to provide for its own trustee elections.

(2) This bill would establish a procedure for the number of members, the election of members, and the reapportionment of trustee areas of the governing board of the Grossmont-Cuyamaca Community College District in accordance with the provisions of this bill and the California Voting Rights Act of 2011. The bill would provide that candidates for election to the board be nominated by trustee area, as defined, at a primary election held on the date of the statewide direct primary election. The 2 candidates receiving the highest number of votes would be the nominees for the general election for that trustee area. The candidate receiving a majority of the votes cast in the general election would be elected to represent that district, and would hold office for a 4-year term, as specified. Members of the board holding office on the effective date of this act *bill* would continue to hold office, as specified. The bill would require the governing board to be composed of 5 to 9 members, as determined by the board, and to establish, abolish, or adjust trustee areas and terms of office, as specified. This bill would require the boundaries for trustee areas established by resolution of the governing board of the district, or adopted by the county committee on school

district organization prior to January 1, 2012, to reflect population changes enumerated in the 2010 decennial federal census, to be in effect when the ~~act~~ *bill* becomes operative. The bill would require the boundaries to be set so that the population of each area is in proportion to the other districts. The bill would thereafter require the boundaries to be adjusted, abolished, or rearranged, as specified.

(3) By imposing the above requirements on the Grossmont-Cuyamaca Community College District, the bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 72036 is added to the Education Code,
2 to read:

3 72036. Notwithstanding any other law, the governing board
4 of a community college district may change election systems, in
5 accordance with the provisions of this section and the California
6 Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section
7 14025) of Division 14 of the Elections Code), upon the adoption
8 by the board of trustees of a resolution in support of electing the
9 trustees in accordance with this section and upon the approval of
10 the Board of Governors of the California Community Colleges,
11 as follows:

12 (a) The governing board of a community college district may
13 establish elections by trustee areas. In establishing trustee areas,

1 the territory of a district shall be divided into trustee areas, and
2 one member of the governing board shall be elected from each
3 trustee area. A candidate for election as a member of the governing
4 board shall reside in, and be registered to vote in, the trustee area
5 he or she seeks to represent. The governing board shall set the
6 initial boundaries of each trustee area to reflect substantially equal
7 population in each district as enumerated in the most recent
8 decennial federal census. Thereafter, the boundaries of trustee
9 areas shall be adjusted pursuant to Section 5019.5, and may be
10 abolished or adjusted as otherwise provided in this code.

11 (b) The governing board of a community college district may
12 establish a top-two primary election ~~system, as follows~~ system.
13 Candidates for election as a member of a governing board of a
14 district shall be nominated by trustee area at a district primary
15 election held on the date of the statewide direct primary election.
16 At the district primary election, the two candidates receiving the
17 highest number of votes within the trustee area shall be nominees
18 for the district general election for that trustee area, and the
19 nominee who receives a majority of the votes cast by the voters
20 of the trustee area in the district general election shall be elected
21 to represent that trustee area. The district general election shall be
22 held on the same date as the statewide general election.

23 (c) The governing board of a community college district may
24 determine the number of trustees pursuant to this subdivision. The
25 governing board of a community college district shall be composed
26 of not less than five members and not more than nine, as
27 determined by the governing board. Sections 5019 to 5030,
28 inclusive, do not apply to the governing board's determination of
29 the number of members pursuant to this subdivision. If the number
30 of members of a governing board is increased or decreased, a
31 governing board shall establish new trustee areas, abolish trustee
32 areas, or adjust the boundaries of trustee areas so that the number
33 of trustee areas is equal to the number of governing board members.
34 If the number of members of a governing board is increased, the
35 additional members of the governing board shall be elected at the
36 next regular district general election of board members occurring
37 at least 123 days after the governing board approved the increased
38 number of board members. Prior to the next district general
39 election, the governing board shall divide by lot the additional
40 trustee area positions that are created so that the term of one-half

1 of the board members elected to those positions shall expire on
2 the first Friday in December following the next district general
3 election. The term of the other board members elected to fill the
4 remainder of the additional positions shall expire on the first Friday
5 in December following the second district general election
6 succeeding their election.

7 (d) This section shall not apply to any community college district
8 that has been authorized by statute to provide for its own trustee
9 elections.

10 SEC. 2. Section 72036.5 is added to the Education Code, to
11 read:

12 72036.5. (a) Notwithstanding any other law, the number of
13 members, the election of members, and the reapportionment of
14 trustee areas of the Governing Board of the Grossmont-Cuyamaca
15 Community College District shall be provided for pursuant to this
16 section and in accordance with the California Voting Rights Act
17 of 2001 (Chapter 1.5 (commencing with Section 14025) of Division
18 14 of the Elections Code).

19 (b) For purposes of this section, “district” means the
20 Grossmont-Cuyamaca Community College District.

21 (c) Candidates for election as a member of the governing board
22 of the district shall be nominated by trustee area at a district
23 primary election held on the date of the statewide direct primary
24 election. At the district primary election, the two candidates
25 receiving the highest number of votes within the trustee area shall
26 be nominees for the district general election for that trustee area,
27 and the nominee who receives a majority of the votes cast by the
28 voters of the trustee area in the district general election shall be
29 elected to represent that trustee area. The district general election
30 shall be held on the same date as the statewide general election.

31 (d) Candidates for election as members of the governing board
32 of the district shall file a declaration of candidacy as provided in
33 this code. Each member of the governing board elected at the
34 district general election shall hold office for a term of four years
35 commencing on the first Friday in December following his or her
36 election.

37 (e) The members of the governing board of the district that are
38 in office on the effective date of the act that enacted this section
39 at the 2011–12 Regular Session of the Legislature shall hold office
40 until the first Friday in December of the year in which their

1 respective term of office would otherwise have terminated, or until
2 a successor qualifies therefor.

3 (f) The territory of the district shall be divided into trustee areas
4 and one member of the governing board shall be elected from each
5 trustee area. A candidate for election as a member of the governing
6 board of the district shall reside in, and be registered to vote in,
7 the trustee area he or she seeks to represent.

8 (g) The governing board of the district shall be composed of
9 not less than five members and not more than nine, as determined
10 by the governing board. Sections 5019 to 5030, inclusive, do not
11 apply to the governing board's determination of the number of
12 members pursuant to this subdivision. If the number of members
13 of the governing board is increased or decreased, the governing
14 board shall establish new trustee areas, abolish trustee areas, or
15 adjust the boundaries of trustee areas so that the number of trustee
16 areas is equal to the number of governing board members. If the
17 number of members of the governing board is increased, the
18 additional members of the governing board shall be elected at the
19 next regular district general election of board members occurring
20 at least 123 days after the governing board approved the increased
21 number of board members. Prior to the next district general
22 election, the governing board shall divide by lot the additional
23 trustee area positions that are created so that the term of one-half
24 of the board members elected to those positions shall expire on
25 the first Friday in December following the next district general
26 election. The term of the other board members elected to fill the
27 remainder of the additional positions shall expire on the first Friday
28 in December following the second district general election
29 succeeding their election.

30 (h) Boundaries for trustee areas established by a resolution of
31 the governing board of the district or adopted by the county
32 committee on school district organization prior to January 1, 2012,
33 to reflect population changes enumerated in the 2010 decennial
34 federal census shall be in effect when this ~~act~~ *section* becomes
35 operative. The boundaries of each trustee area shall be set so that
36 the population of each area is, as nearly as may be, the same
37 proportion of the total population of the district as each of the other
38 areas. Thereafter, the boundaries of trustee areas shall be adjusted
39 pursuant to Section 5019.5 and may be abolished or rearranged as
40 otherwise provided in this code.

1 ~~SEC. 3.—If the Commission on State Mandates determines that~~
2 ~~this act contains costs mandated by the state, reimbursement to~~
3 ~~local agencies and school districts for those costs shall be made~~
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
5 ~~4 of Title 2 of the Government Code.~~

6 *SEC. 3. No reimbursement is required by this act pursuant to*
7 *Section 6 of Article XIII B of the California Constitution because*
8 *the only costs that may be incurred by a local agency or school*
9 *district are the result of a program for which legislative authority*
10 *was requested by that local agency or school district, within the*
11 *meaning of Section 17556 of the Government Code and Section 6*
12 *of Article XIII B of the California Constitution.*